

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EMMERT INDUSTRIAL CORPORATION,
a corporation, dba EMMERT INTERNATIONAL

Plaintiff,

v.

CINGULAR WIRELESS, LLC, a corporation,

Defendant.

No. CV 07-320-MO

OPINION AND ORDER

MOSMAN, J.,

This matter comes before the court on defendant's Motion to Dismiss (#3). Defendant contends plaintiff has failed to plead its fraud allegations in accordance with Fed. R. Civ. P 9(b)'s particularity requirement. I agree. Moreover, plaintiff provides no argument to the contrary. Defendant's motion is therefore granted. Plaintiff's complaint is dismissed without prejudice. Plaintiff is granted leave to file an amended complaint.

IT IS SO ORDERED.

DATED this 15th day of June, 2007.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court